IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY & INTESTATE JURISDICTION

...

CHAMBER SUMMONS NO.90 OF 2006

IN

PETITION NO.475 OF 2003

...

Mr.Suresh Hemmady ...Petitioner

v/s.

Dinesh Pandurang Bellare ...Caveator

...

Mr.A.B.Srikhande for the Petitioner.

Mr.S.M.Gorwadkar i/b Mr.B.G.Saraf for the Caveator.

...

CORAM: D.K.DESHMUKH, J.

DATED: 18TH JANUARY,2007

P.C.:

This Chamber Summons has been taken out for condonation of delay in filing affidavit in support of the caveat. The caveat was filed on 18-2-2006. Affidavit in support of the caveat has been filed on 5-5-2006. The explanation that is given for the delay really speaking by no stretch of imagination can be called sufficient. However, considering the settled law that the power of the court of condoning the delay is to be liberally exercised for advancing justice and in view of the willingness of the caveator to pay the substantial costs, in my opinion, the delay deserves to be condoned. Chamber Summons is granted in terms of prayer clause (a), subject to payment of Rs.10000/- (Rupees Ten Thousand) as costs. Payment of costs is condition precedent. Chamber summons disposed of.

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